

## ORDINANCE NO. 79

AN ORDINANCE OF BENNER TOWNSHIP, CENTRE COUNTY, PA. AMENDING THE BENNER TOWNSHIP STREETS STANDARDS ORDINANCE NO. 60 BY AMENDING ARTICLE III "DRIVEWAYS" BY ADDING TO SECTION 3. "DRIVEWAY CONSTRUCTION" BY ADDING 3.6 "DRIVEWAY CURB CUTS FOR LOTS FRONTING CURBS".

Pursuant to the powers vested in the Township of Benner, Centre County, Pennsylvania, under the provisions of the Second Class Township Code 53, P.S. 65101 *et. seq.*, and the Pennsylvania Municipalities Planning Code 53 P.S. 10101 *et. seq.*, Benner Township hereby enacts the following ordinance.

**SECTION 1.** The Benner Township Streets Standards Ordinance No. 60, as amended as hereinafter set forth. All other sections of the aforesaid Benner Township Street Standards Ordinance are hereby ratified, approved, and reenacted.

**SECTION 2.** Article III, Driveways, Section 3, "Driveway Construction", Subsection 3.6, is added to include:

### **Section 3. Driveway Construction**

#### **3.6 Driveway curb cuts for lots fronting curbs**

- a. **Posting of financial bond.** Prior to the issuance of a Zoning Permit or Driveway Permit, the owners of residential and/or commercial lots with curbed street frontage shall post a financial bond to insure proper installation of curb cuts and to insure against damage to the curbing during construction. The financial bond amount shall be set by Resolution, as set by the Township Supervisors, and shall be held by the Township until the completion of construction. The financial bond amount will be refunded to the owner upon completion of construction. Any damages to the curb during construction activities shall result in the Township withholding all or part of the financial bond as deemed necessary by the Township to affect the necessary repairs.
- b. **Curb Cut Construction:** Curb cuts shall be not less than 10 feet nor greater than 20 feet in width, and shall be installed pursuant to Figure 3B.

**SECTION 3.** Repealer. Any ordinance or part of any ordinance conflicting with the terms of this ordinance is hereby specifically repealed.

**SECTION 4.** Severability. The provisions of this ordinance shall be severable and if any of its provisions shall be held to be unconstitutional, illegal, invalid or otherwise unenforceable by a court of competent jurisdiction, the remaining portions hereof shall not be affected thereby.

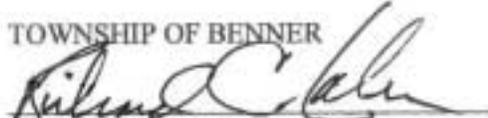
**SECTION 5.** The remainder of Ordinance No. 70 will remain fully in force and effect as originally ordained

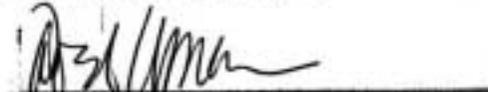
**SECTION 6.** *Effective date.* This ordinance shall become effective the 5 days after this ordinance's reenactment or adoption.

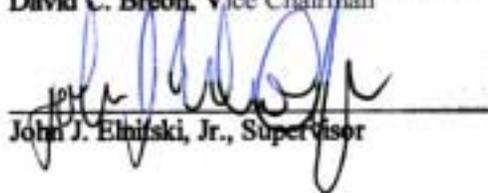
ENACTED AND ORDAINED, this 15<sup>th</sup> day of July, 2002.

TOWNSHIP OF BENNER

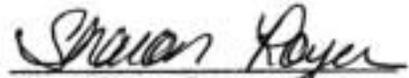
By:

  
Richard C. Lahr, Chairman

  
David C. Breon, Vice Chairman

  
John J. Elbitski, Jr., Supervisor

ATTEST:

  
Sharon Royer, Secretary/Treasurer